

Executive Summary – Enforcement Matter – Case No. 44257
The Lubrizol Corporation
RN100221589
Docket No. 2012-1110-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Lubrizol Deer Park Plant, 41 Tidal Road, Deer Park, Harris County

Type of Operation:

Chemical manufacturing plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: November 16, 2012

Comments Received: No

Penalty Information

Total Penalty Assessed: \$15,350

Amount Deferred for Expedited Settlement: \$3,070

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$6,140

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$6,140

Name of SEP: Harris County – Ambient Air Pollutants Monitoring Study

Compliance History Classifications:

Person/CN - Average

Site/RN - Average

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002

Executive Summary – Enforcement Matter – Case No. 44257
The Lubrizol Corporation
RN100221589
Docket No. 2012-1110-AIR-E

Investigation Information

Complaint Date(s): N/A
Complaint Information: N/A
Date(s) of Investigation: April 6, 2012
Date(s) of NOE(s): May 23, 2012

Violation Information

Failed to maintain the required minimum firebox exit temperature of 1,400 degrees Fahrenheit ("°F") for the incinerator, Emissions Point Number FI-06. Specifically, the firebox exit temperature fell below 1,400°F on February 2, 2011 and July 16, 2011 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), Federal Operating Permit No. O1932, Special Terms and Conditions No. 7, Air Permit No. 3921, Special Conditions No. 5A, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

Respondent has implemented the following corrective measures at the Plant:

- a. On February 15, 2012, brought the incinerator temperature indicator into the control room distributed control system ("DCS") and trained operators to monitor the incinerator temperature in the DCS; and
- b. On June 26, 2012, installed a temperature alarm for the incinerator in the control room DCS.

Technical Requirements:

The Order will require Respondent to implement and complete a Supplemental Environmental Project ("SEP"). (See SEP Attachment A)

Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A

Executive Summary – Enforcement Matter – Case No. 44257
The Lubrizol Corporation
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Docket No. 2012-1110-AIR-E

TCEQ Enforcement Coordinator: Nadia Hameed, Enforcement Division,
Enforcement Team 5, MC R-12, (713) 767-3629; Debra Barber, Enforcement Division,
MC 219, (512) 239-0412

TCEQ SEP Coordinator: Stuart Beckley, SEP Coordinator, Enforcement Division,
MC 219, (512) 239-3565

Respondent: Anthony Shick, General Manager, The Lubrizol Corporation, P.O. Box
158, Deer Park, Texas 77536

Ginger Coffin, Environmental Compliance Engineer, The Lubrizol Corporation, P.O.
Box 158, Deer Park, Texas 77536

Respondent's Attorney: N/A

Attachment A
Docket Number: 2012-1110-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	The Lubrizol Corporation
Penalty Amount:	Twelve Thousand Two Hundred Eighty Dollars (\$12,280)
SEP Offset amount:	Six Thousand One Hundred Forty Dollars (\$6,140)
Type of SEP:	Pre-approved
Third-Party Recipient:	Harris County – <i>Ambient Air Pollutants Monitoring Study</i>
Location of SEP:	Harris County

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for Respondent to contribute to a Supplemental Environmental Project (“SEP”). The offset is equal to the SEP offset amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

a. Project

Respondent shall contribute the SEP offset amount to the Third-Party Recipient named above. The contribution will be used by Harris County for the *Ambient and Meteorological Air Monitoring Project* as set forth in an agreement between the Third-Party Recipient and the TCEQ. SEP funds will be used to install or retrofit, operate, maintain, and potentially expand air monitoring stations in Harris County to continuously monitor ambient air for total non-methane hydrocarbons and hazardous air pollutants (“HAPs”). Specifically, SEP funds will be used to purchase equipment (such as automated canister samplers), hardware, software, and licenses to enable the monitoring. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

Respondent certifies that it has no prior commitment to make this contribution and that it is being done solely in an effort to settle this enforcement action.

b. Environmental Benefit

The project will provide additional air monitoring data to identify any HAPs emissions in the targeted locations. The information may help local government better inform citizens about air toxins and enable regulators to better identify emission sources.

c. Minimum Expenditure

Respondent shall contribute at least the SEP offset amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, Respondent must contribute the SEP offset amount to the Third-Party Recipient. Respondent shall mail a copy of the Agreed Order with the contribution to:

Harris County
c/o Latrice Babin, Ph.D.
Environmental Toxins & Special Project Manager
101 South Richey, Suite H
Pasadena, Texas 77506

3. Records and Reporting

Concurrent with the payment of the SEP offset amount, Respondent shall provide the Enforcement Division SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP offset amount to the Third-Party Recipient. Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If Respondent does not perform its obligations under this SEP in any way, including full expenditure of the SEP offset amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP offset amount.

The Lubrizol Corporation
Agreed Order - Attachment A

In the event of incomplete performance, Respondent shall include on the check the docket number of this Agreed Order and a note that it is for reimbursement of a SEP. Respondent shall make the payment for the amount due to "Texas Commission on Environmental Quality" and mail it to:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP made by or on behalf of Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset amount identified in this Agreed Order has not been, and shall not be, included as a SEP for Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	29-May-2012	Screening	31-May-2012	EPA Due	
	PCW	28-Jun-2012				

RESPONDENT/FACILITY INFORMATION

Respondent	The Lubrizol Corporation		
Reg. Ent. Ref. No.	RN100221589		
Facility/Site Region	12-Houston	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	44257	No. of Violations	1
Docket No.	2012-1110-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Nadia Hameed
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$5,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	217.0% Enhancement	Subtotals 2, 3, & 7	\$10,850
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Notes: Enhancement for four orders with denial of liability, two orders without denial of liability, one NOV with same/similar violations and 47 NOVs with dissimilar violations. Reduction for two notices of intent to conduct an audit and an environmental management system in place for one year or more.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$500
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$526
Approx. Cost of Compliance \$8,420
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$15,350
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$15,350
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$15,350
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DEFERRAL	20.0% Reduction	Adjustment	-\$3,070
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$12,280
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Screening Date 31-May-2012

Docket No. 2012-1110-AIR-E

PCW

Respondent The Lubrizol Corporation

Policy Revision 2 (September 2002)

Case ID No. 44257

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100221589

Media [Statute] Air

Enf. Coordinator Nadia Hameed

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	1	5%
	Other written NOVs	47	94%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	4	80%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	2	50%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	2	-2%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	Yes	-10%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 217%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for four orders with denial of liability, two orders without denial of liability, one NOV with same/similar violations and 47 NOVs with dissimilar violations. Reduction for two notices of intent to conduct an audit and an environmental management system in place for one year or more.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 217%

Screening Date 31-May-2012
Respondent The Lubrizol Corporation
Case ID No. 44257
Reg. Ent. Reference No. RN100221589
Media [Statute] Air
Enf. Coordinator Nadia Hameed

Docket No. 2012-1110-AIR-E

PCW

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

Violation Number

1

Rule Cite(s)

30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), Federal Operating Permit No. 01932, Special Terms and Conditions No. 7, Air Permit No. 3921, Special Conditions No. 5A, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to maintain the required minimum firebox exit temperature of 1,400 degrees Fahrenheit ("°F") for the incinerator, Emissions Point Number FI-06. Specifically, the firebox exit temperature fell below 1,400°F on February 2, 2011 and July 16, 2011.

Base Penalty

\$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment

\$7,500

\$2,500

Violation Events

Number of Violation Events 2

2

Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty

\$5,000

Two single events are recommended.

Good Faith Efforts to Comply

10.0% Reduction

\$500

	Before NOV	NOV to EDPRP/Settlement Offer
	Extraordinary	
Ordinary		X
N/A		(mark with x)

Notes

The Respondent completed the corrective actions on June 26, 2012, after the May 23, 2012 NOE.

Violation Subtotal

\$4,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$526

Violation Final Penalty Total

\$15,350

This violation Final Assessed Penalty (adjusted for limits)

\$15,350

Economic Benefit Worksheet

Respondent The Lubrizol Corporation

Case ID No. 44257

Reg. Ent. Reference No. RN100221589

Media Air

Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$3,420	2-Feb-2011	15-Feb-2012	1.04	\$177	n/a	\$177
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$5,000	2-Feb-2011	26-Jun-2012	1.40	\$349	n/a	\$349

Notes for DELAYED costs

Actual expense, provided by the Respondent, to bring the incinerator temperature indicator into the distributed control system ("DCS") and data historian (\$3,420). Estimated expense to install temperature alarms in the DCS and train operators to monitor the incinerator temperature in the DCS (\$5,000). The Date Required is the first date of non-compliance. The Final Date is the date that corrective actions were completed.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$8,420

TOTAL

\$526

Compliance History Report

Customer/Respondent/Owner-Operator:	CN600269617	The Lubrizol Corporation	Classification: AVERAGE	Rating: 3.58
Regulated Entity:	RN100221589	LUBRIZOL DEER PARK PLANT	Classification: AVERAGE	Site Rating: 6.62
ID Number(s):	INDUSTRIAL AND HAZARDOUS WASTE	PERMIT		50077
	INDUSTRIAL AND HAZARDOUS WASTE	SOLID WASTE REGISTRATION # (SWR)		30324
	INDUSTRIAL AND HAZARDOUS WASTE	EPA ID		TXD041067638
	AIR OPERATING PERMITS	PERMIT		1934
	AIR OPERATING PERMITS	PERMIT		1932
	AIR OPERATING PERMITS	PERMIT		1931
	AIR OPERATING PERMITS	PERMIT		1930
	AIR OPERATING PERMITS	PERMIT		1929
	AIR OPERATING PERMITS	ACCOUNT NUMBER		HG0459J
	AIR OPERATING PERMITS	PERMIT		1933
	AIR OPERATING PERMITS	PERMIT		1935
	AIR OPERATING PERMITS	PERMIT		2191
	AIR OPERATING PERMITS	PERMIT		1581
	AIR OPERATING PERMITS	PERMIT		1929
	AIR OPERATING PERMITS	PERMIT		1930
	AIR OPERATING PERMITS	PERMIT		1931
	AIR OPERATING PERMITS	PERMIT		1932
	AIR OPERATING PERMITS	PERMIT		1934
	WASTEWATER	PERMIT		WQ0000639000
	WASTEWATER	EPA ID		TX0007048
	AIR NEW SOURCE PERMITS	REGISTRATION		93716
	AIR NEW SOURCE PERMITS	REGISTRATION		71099
	AIR NEW SOURCE PERMITS	PERMIT		669
	AIR NEW SOURCE PERMITS	PERMIT		2757
	AIR NEW SOURCE PERMITS	PERMIT		3663
	AIR NEW SOURCE PERMITS	PERMIT		3921
	AIR NEW SOURCE PERMITS	PERMIT		5847
	AIR NEW SOURCE PERMITS	PERMIT		7577
	AIR NEW SOURCE PERMITS	REGISTRATION		10807
	AIR NEW SOURCE PERMITS	REGISTRATION		14714
	AIR NEW SOURCE PERMITS	PERMIT		19465
	AIR NEW SOURCE PERMITS	PERMIT		19487
	AIR NEW SOURCE PERMITS	PERMIT		19804
	AIR NEW SOURCE PERMITS	PERMIT		21715

AIR NEW SOURCE PERMITS	PERMIT	21933
AIR NEW SOURCE PERMITS	PERMIT	22044
AIR NEW SOURCE PERMITS	PERMIT	22045
AIR NEW SOURCE PERMITS	PERMIT	22046
AIR NEW SOURCE PERMITS	PERMIT	22048
AIR NEW SOURCE PERMITS	PERMIT	22049
AIR NEW SOURCE PERMITS	PERMIT	22051
AIR NEW SOURCE PERMITS	PERMIT	22055
AIR NEW SOURCE PERMITS	PERMIT	22056
AIR NEW SOURCE PERMITS	PERMIT	22059
AIR NEW SOURCE PERMITS	PERMIT	22060
AIR NEW SOURCE PERMITS	PERMIT	22095
AIR NEW SOURCE PERMITS	PERMIT	22050
AIR NEW SOURCE PERMITS	PERMIT	23695
AIR NEW SOURCE PERMITS	REGISTRATION	38145
AIR NEW SOURCE PERMITS	REGISTRATION	39308
AIR NEW SOURCE PERMITS	REGISTRATION	40048
AIR NEW SOURCE PERMITS	REGISTRATION	46323
AIR NEW SOURCE PERMITS	REGISTRATION	49758
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HG0459J
AIR NEW SOURCE PERMITS	REGISTRATION	76173
AIR NEW SOURCE PERMITS	AFS NUM	4820100109
AIR NEW SOURCE PERMITS	PERMIT	71546
AIR NEW SOURCE PERMITS	REGISTRATION	50658
AIR NEW SOURCE PERMITS	REGISTRATION	73602
AIR NEW SOURCE PERMITS	REGISTRATION	74835
AIR NEW SOURCE PERMITS	REGISTRATION	76823
AIR NEW SOURCE PERMITS	REGISTRATION	77948
AIR NEW SOURCE PERMITS	REGISTRATION	84324
AIR NEW SOURCE PERMITS	REGISTRATION	95158
AIR NEW SOURCE PERMITS	REGISTRATION	87415
AIR NEW SOURCE PERMITS	REGISTRATION	96420
AIR NEW SOURCE PERMITS	REGISTRATION	47016
AIR NEW SOURCE PERMITS	REGISTRATION	84298
AIR NEW SOURCE PERMITS	REGISTRATION	83439
AIR NEW SOURCE PERMITS	REGISTRATION	87880
AIR NEW SOURCE PERMITS	REGISTRATION	98216
AIR NEW SOURCE PERMITS	REGISTRATION	99086

AIR NEW SOURCE PERMITS	REGISTRATION	100611
AIR NEW SOURCE PERMITS	REGISTRATION	100065
AIR NEW SOURCE PERMITS	REGISTRATION	98838
AIR NEW SOURCE PERMITS	REGISTRATION	100974
AIR NEW SOURCE PERMITS	REGISTRATION	98328
AIR NEW SOURCE PERMITS	REGISTRATION	100728
AIR NEW SOURCE PERMITS	REGISTRATION	98604
AIR NEW SOURCE PERMITS	REGISTRATION	101967
AIR NEW SOURCE PERMITS	REGISTRATION	102471
AIR NEW SOURCE PERMITS	REGISTRATION	101907
AIR NEW SOURCE PERMITS	REGISTRATION	101882
AIR NEW SOURCE PERMITS	REGISTRATION	101966
AIR NEW SOURCE PERMITS	REGISTRATION	101903
AIR NEW SOURCE PERMITS	PERMIT	102761
AIR NEW SOURCE PERMITS	REGISTRATION	89542
AIR NEW SOURCE PERMITS	REGISTRATION	96850
AIR NEW SOURCE PERMITS	REGISTRATION	99866
AIR NEW SOURCE PERMITS	REGISTRATION	99055
AIR NEW SOURCE PERMITS	REGISTRATION	99147
AIR NEW SOURCE PERMITS	REGISTRATION	97136
AIR NEW SOURCE PERMITS	REGISTRATION	99620
AIR NEW SOURCE PERMITS	REGISTRATION	97121
AIR NEW SOURCE PERMITS	REGISTRATION	99884
AIR NEW SOURCE PERMITS	REGISTRATION	100791
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1011526
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30324
POLLUTION PREVENTION PLANNING	ID NUMBER	P00401
AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	HG0459J

Location: 41 TIDAL RD, DEER PARK, TX, 77536

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: May 29, 2012

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: May 29, 2007 to May 29, 2012

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Nadia Hameed Phone: 713-767-3629

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? YES
2. Has there been a (known) change in ownership/operator of the site during the compliance period? NO
3. If YES, who is the current owner/operator? N/A

4. If YES, who was/were the prior owner(s)/operator(s)? N/A
5. If YES, when did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2011 Repeat Violator: NO

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.

Effective Date: 05/03/2009

ADMINORDER 2008-1282-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(15)
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.165(a)(7)
30 TAC Chapter 122, SubChapter B 122.165(a)(8)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP O-01933 OP

Description: Failed to ensure that a responsible official certified the accuracy and completeness of the annual compliance certification submitted for the March 18, 2007 through March 17, 2008 annual compliance certification reporting period; and the semi-annual deviation reports submitted for the March 18, 2007 through September 17, 2007 and September 18, 2007 through March 17, 2008 semi-annual deviation reporting periods.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(15)
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.165(a)(7)
30 TAC Chapter 122, SubChapter B 122.165(a)(8)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: O-01931 General Terms and Conditions OP

Description: Failed to ensure that a responsible official certified the accuracy and completeness of the annual compliance certification submitted for the March 18, 2007 through March 17, 2008 annual compliance certification reporting period; and the semi-annual deviation reports submitted for the March 18, 2007 through September 17, 2007 and September 18, 2007 through March 17, 2008 semi-annual deviation reporting periods.

Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(15)
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.165(a)(7)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP

Description: Failed to ensure that a responsible official certified the accuracy and completeness of the semi-annual deviation report submitted for the January 27, 2007 through July 26, 2007 semi-annual deviation reporting period.

Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(15)
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.165(a)(7)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: GENERAL TERMS AND CONDITIONS OP

Description: Failed to ensure that a responsible official certified the accuracy and completeness of the semi-annual deviation report submitted for the March 12, 2007 through September 11, 2007 semi-annual deviation reporting period.

Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(15)
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.165(a)(7)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP

Description: Failed to ensure that a responsible official certified the accuracy and completeness of the semi-annual deviation report submitted for the March 12, 2007 through September 11, 2007 semi-annual deviation reporting period.

Classification: Major
Citation: 30 TAC Chapter 122, SubChapter B 122.143(15)
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.165(a)(7)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP, O-02191, Gen Term & Cond. OP

Description: Failed to ensure that a responsible official certified the accuracy and completeness of the semi-annual deviation reports submitted for the March 1, 2007 through August 31, 2007 semi-annual deviation reporting period.

Classification: Major
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: 22048, Gen. Cond. 9 PERMIT
O-02191, Special Term & Cond. 5 OP

Description: Failed to maintain the thermal oxidizer, EPN FI-07, in good working order.

Effective Date: 06/26/2010

ADMINORDER 2009-2073-AIR-E

Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP

Description: Failure to report deviations and accurately certify the Annual Compliance Certification. Specifically, the Annual Compliance Certification report for the period of March 1, 2008 through February 28, 2009, did not include all instances of deviations and therefore was not accurately certified.

Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(B)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP

Description: Failure to timely submit a semiannual deviation report. Specifically, one deviation report was submitted on March 30, 2009, to cover both the March 1, 2008 through August 31, 2008 and the September 1, 2008 through February 28, 2009 reporting periods.

Effective Date: 08/09/2010

ADMINORDER 2009-1605-AIR-E

Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
30 TAC Chapter 122, SubChapter B 122.145(2)(C)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP

Description: Failed to submit a timely and complete deviation report for the emissions units in FOP No. O-01933.

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to comply with permitted emissions limits.

Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
30 TAC Chapter 122, SubChapter B 122.145(2)(C)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP O-01934, General Terms & Conditions OP

Description: Failed to submit a timely and complete deviation report for the emissions units in FOP No. O-01934.

Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP O-01934, General Terms & Conditions OP

Description: Failed to submit a complete deviation report for the emissions units in FOP No. O-01934.

Effective Date: 04/18/2011

ADMINORDER 2010-1468-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(C)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP

Description: Failed to submit the semi-annual deviation report within the required time frame.

Specifically, the semi-annual deviation report for the Lubrizol Acid, 121, and Alcohol Recovery Units for the March 18, 2008 through September 17, 2008 period was due on October 17, 2008, but it was not submitted until April 16, 2009.

Effective Date: 07/02/2011

ADMINORDER 2010-2043-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: S.C. 9 E PERMIT
ST&C 5 OP

Description: Failure to submit test results within 60 days of test for the 2007 stack test of FI-07.

Category C 3.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: SC 7, 8 and 9C PERMIT
ST&C 5 OP

Description: Failure to prove initial compliance with 99% H2S DRE for FI-07 during 5/31/07 stack test.
Cat B13

Will combine violation track numbers 412757, 412758 and 417199 and the violation will read:
failed to demonstrate initial compliance for hydrogen sulfide, volatile organic compounds and sulfur dioxide in the Anglamol Unit Thermal Oxidizer and Scrubber, EPN FI-07 during the stack test conducted on May 31, 2007

Effective Date: 08/13/2011

ADMINORDER 2011-0014-IWD-E

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Effluent Limit's & Monitoring Req. No. 1 PERMIT

Description: Failure to comply with permit effluent limits for Outfall 001, as documented during a record review conducted on December 1, 2010.

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Effluent Limitations and Monitoring Req2 PERMIT

Description: Failed to comply with permit effluent limit for pH minimum of 6.0 standard units for Outfall 005, as documented during a record review conducted on December 1, 2010.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1

03/12/2012 (1003524)

2 05/25/2012 (1006397)

3	06/14/2008	(434921)
4	03/18/2009	(519307)
5	05/31/2007	(560002)
6	08/22/2007	(566797)
7	08/14/2007	(568549)
8	08/17/2007	(568659)
9	08/31/2007	(568678)
10	08/17/2007	(568681)
11	08/17/2007	(568779)
12	08/17/2007	(568798)
13	08/27/2007	(571102)
14	08/21/2007	(571104)
15	09/27/2007	(574135)
16	06/18/2007	(575611)
17	07/18/2007	(575612)
18	07/03/2007	(593184)
19	10/05/2007	(593429)
20	10/05/2007	(595350)
21	03/31/2008	(597321)
22	08/15/2007	(601706)
23	09/24/2007	(601707)
24	10/25/2007	(619635)
25	11/26/2007	(619636)
26	04/22/2008	(636227)
27	04/29/2008	(636620)
28	04/30/2008	(636878)
29	04/07/2008	(639677)
30	05/15/2008	(657083)
31	02/25/2008	(672161)
32	01/14/2008	(672162)
33	02/04/2008	(672163)

34	07/22/2008	(680031)
35	08/29/2008	(680040)
36	08/18/2008	(680047)
37	07/21/2008	(680059)
38	06/15/2008	(681639)
39	07/25/2008	(686128)
40	07/21/2008	(686152)
41	07/25/2008	(686620)
42	07/25/2008	(686985)
43	04/03/2008	(690068)
44	04/23/2008	(690069)
45	05/22/2008	(690070)
46	06/23/2008	(690071)
47	06/05/2008	(690072)
48	08/29/2008	(701700)
49	01/05/2009	(709045)
50	08/19/2008	(710854)
51	09/26/2008	(710855)
52	10/29/2008	(710856)
53	09/26/2008	(710857)
54	02/19/2009	(722564)
55	11/20/2008	(727565)
56	12/18/2008	(727566)
57	05/05/2009	(740258)
58	06/04/2009	(741922)
59	08/17/2009	(747040)
60	09/03/2009	(747045)
61	06/23/2009	(747483)
62	09/03/2009	(747486)
63	10/16/2009	(747488)

64	10/06/2009	(747526)
65	12/15/2009	(747824)
66	06/15/2009	(749167)
67	02/20/2009	(750377)
68	03/09/2009	(750378)
69	08/12/2009	(759265)
70	07/30/2009	(764029)
71	08/06/2009	(764551)
72	08/06/2009	(764561)
73	08/06/2009	(764570)
74	08/06/2009	(764576)
75	08/06/2009	(764585)
76	08/06/2009	(764599)
77	08/06/2009	(764602)
78	04/16/2009	(768439)
79	01/05/2010	(786394)
80	03/12/2010	(786901)
81	01/13/2010	(787744)
82	03/23/2010	(793369)
83	06/04/2010	(794706)
84	08/20/2010	(803062)
85	08/16/2010	(803085)
86	08/26/2010	(803090)
87	08/20/2010	(803155)
88	02/22/2010	(804921)
89	05/14/2009	(804922)
90	06/17/2009	(804923)
91	07/15/2009	(804924)
92	08/17/2009	(804925)
93	09/22/2009	(804926)
94	10/13/2009	(804927)

95	11/18/2009	(804928)
96	12/21/2009	(804929)
97	10/13/2009	(804930)
98	09/20/2010	(825297)
99	06/22/2010	(825679)
100	06/15/2010	(825839)
101	02/22/2011	(828683)
102	03/25/2010	(830980)
103	05/07/2010	(830981)
104	07/28/2010	(842913)
105	11/18/2010	(842925)
106	09/28/2010	(843160)
107	08/13/2010	(843649)
108	11/08/2010	(843682)
109	05/24/2010	(845064)
110	06/18/2010	(846300)
111	03/08/2011	(858194)
112	07/15/2010	(860891)
113	11/17/2010	(863666)
114	08/19/2010	(866865)
115	10/26/2010	(872008)
116	11/23/2010	(873523)
117	09/17/2010	(873932)
118	07/27/2011	(877674)
119	02/17/2011	(877804)
120	12/17/2010	(879906)
121	10/21/2010	(881533)
122	12/22/2010	(888056)
123	03/04/2011	(890937)
124	02/16/2011	(893927)

125	02/09/2011	(893941)
126	05/17/2011	(895141)
127	01/03/2011	(896278)
128	04/15/2011	(899792)
129	01/18/2011	(902335)
130	03/25/2011	(905506)
131	03/31/2011	(907420)
132	06/08/2011	(907778)
133	02/10/2011	(909120)
134	04/29/2011	(914916)
135	03/17/2011	(916373)
136	07/26/2011	(922542)
137	08/29/2011	(922552)
138	08/29/2011	(922659)
139	04/12/2011	(924863)
140	07/01/2011	(936401)
141	07/14/2011	(937700)
142	05/12/2011	(938058)
143	06/09/2011	(945426)
144	08/17/2011	(948980)
145	08/19/2011	(949342)
146	09/20/2011	(949909)
147	08/31/2011	(951093)
148	09/17/2011	(952382)
149	05/12/2011	(952655)
150	12/09/2011	(957652)
151	10/03/2011	(957967)
152	11/08/2011	(958467)
153	09/09/2011	(959338)
154	09/12/2011	(965372)
155	05/23/2012	(970797)

156 04/03/2012 (970804)

157 10/17/2011 (971411)

158 11/22/2011 (977568)

159 01/19/2012 (981124)

160 02/16/2012 (981579)

161 04/30/2012 (983783)

162 12/12/2011 (984338)

163 02/14/2012 (987407)

164 02/23/2012 (988310)

165 03/06/2012 (989903)

166 01/16/2012 (990636)

167 04/19/2012 (995622)

168 02/13/2012 (997997)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 05/31/2007 (575611) CN600269617
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter

Date: 07/03/2007 (593184) CN600269617
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(17)
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 07/31/2007 (601706) CN600269617
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

Date: 08/17/2007 (568681) CN600269617
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.146(2)
 5C THC Chapter 382, SubChapter D 382.085(b)
 O-01930 General Terms and Conditions OP
 Description: Failure to submit the permit compliance certification within 30 days of the end of the reporting period

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)(C)
 5C THC Chapter 382, SubChapter D 382.085(b)
 O-01930 General Terms and Conditions OP
 Description: Failure to submit the semiannual deviation report within 30 days of the end of the deviation reporting period.

Date: 08/17/2007 (568659) CN600269617
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.146(2)
5C THC Chapter 382, SubChapter D 382.085(b)
O-01581 General Terms and Conditions OP

Description: Failure to submit the permit compliance certification within 30 days of the end of the reporting period.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(C)
5C THC Chapter 382, SubChapter D 382.085(b)
O-01581 General Terms and Conditions OP

Description: Failure to submit semiannual deviation report within 30 days of end of deviation reporting period.

Date: 08/17/2007 (568779) CN600269617
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(C)
5C THC Chapter 382, SubChapter D 382.085(b)
O-01931 General Terms and Conditions OP

Description: Failure to submit the semiannual deviation report within 30 days of the end of the deviation reporting period.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.146(2)
5C THC Chapter 382, SubChapter D 382.085(b)
O-01931 General Terms and Conditions OP

Description: Failure to submit the permit compliance certification within 30 days of the end of the reporting period.

Date: 08/17/2007 (568798) CN600269617
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.146(2)
5C THC Chapter 382, SubChapter D 382.085(b)
O-02191 General Terms and Conditions OP

Description: Failure to submit the permit compliance certification within 30 days of the end of the reporting period.

Date: 08/21/2007 (571104) CN600269617
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.146(2)
5C THC Chapter 382, SubChapter D 382.085(b)
General Terms and Conditions OP

Description: Failure to submit the permit compliance certification within 30 days of the end of the reporting period.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(C)
5C THC Chapter 382, SubChapter D 382.085(b)
General Terms and Conditions OP

Description: Failure to submit the semiannual deviation report within 30 days of the end of the deviation reporting period.

Date: 08/23/2007 (566797) CN600269617
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter H 115.725(c)(3)(D)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to conduct monitoring checks of safety relief devices.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter H 115.726(c)(4)

5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to maintain records of the quarterly monitoring of the safety relief devices.

Date: 08/27/2007 (571102) CN600269617

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.146(2)
5C THC Chapter 382, SubChapter D 382.085(b)
General Terms and Conditions OP

Description: Failure to submit the permit compliance certification within 30 days of the end of the reporting period.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(C)
General Terms and Conditions OP

Description: Failure to submit the semiannual deviation report within 30 days of the end of the deviation reporting period.

Date: 08/31/2007 (568678) CN600269617

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.146(2)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to submit the Permit Compliance Certification within the required time frame.

Date: 08/31/2007 (601707) CN600269617

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 09/30/2007 (619635) CN600269617

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 10/31/2007 (619636) CN600269617

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 06/30/2008 (690072) CN600269617

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 07/31/2008 (710854) CN600269617

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 08/29/2008 (680040) CN600269617

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
FOP, O-02191, Gen Term & Cond. OP

Description: Failure to report, in writing, to the executive director all instances of deviations, the probable cause of the deviations, and any corrective actions or preventative measures taken for each emission unit addressed in the permit.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-02191, Special Term & Cond. 5 OP
Special Condition, 11E PERMIT
Special Condition, 11F PERMIT

Description: Failure to monitor line segment for Leak, Detection, and Repair (LDAR).

Date: 08/31/2008 (710855) CN600269617

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 09/30/2008 (710856) CN600269617

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 01/05/2009 (709045) CN600269617

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Special Condition #1 PERMIT

Description: Failure to prevent unauthorized emissions.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)
5C THSC Chapter 382 382.085(b)

Description: Failure to include the permit number in the report.

Date: 06/04/2009 (741922) CN600269617

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
EL&MR, Pages 2-2c, Nos. 1-2 PERMIT

Description: Failure to maintain compliance with the permit limits for pH, oil and grease (O&G), total zinc, and carbonaceous biochemical oxygen demand (CBOD).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
M&RR, P. 5, No. 7c PERMIT

Description: Failure to provide adequate effluent violation notification letters in accordance with the permit requirements and applicable State regulations.

Date: 06/23/2009 (747483) CN600269617

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 1 PERMIT
Special Term & Condition 5 OP

Description: Failure to comply within the maximum allowable annual VOC & CO emissions rates relating to the FI-07 thermal oxidizer (EPN FI-07) for the year of 2007. (Category B18 Violation)

Date: 07/31/2009 (804925) CN600269617

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 08/31/2009 (804926) CN600269617
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 09/03/2009 (747045) CN600269617
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.354(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 3E PERMIT
Special Term and Condition 1A OP
Special Term and Condition 8 OP

Description: Failure to conduct a weekly AVO inspection for the week of April 12, 2008.
(Category C1 violation)

Self Report? NO Classification: Minor
Citation: 5C THSC Chapter 382 382.085(b)
SC 12B PERMIT

Description: Failure to continuously record pilot flame monitoring data for the FL-177 Flare.
The deviation report dated April 16, 2009 states recorded data was missing for
January 2008 (0.8 hrs), February 2008 (1.8 hrs), June 2008 (1.8 hrs), October
2008 (0.5 hrs), and February 2009 (0.3 hrs). During the investigation, Lubrizol
was unable to provide documentation indicating that the pilot flame was
continuously monitored. (Category C1 violation)

Date: 10/06/2009 (747526) CN600269617
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 7F PERMIT
ST&C 10 OP
Description: Failure to monitor 34 components applicable to the LDAR program. (Category C4)

Date: 10/16/2009 (747488) CN600269617
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
5C THSC Chapter 382 382.085(b)
Description: Failure to control emission or operate in a manner so not to exceed the permitted
annual emission rates established in the MAERT for each of its NSR Permits,
#22050, #22060 and #21933.

Date: 12/15/2009 (747824) CN600269617
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter H 115.764(b)(4)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Terms and Condition #1A OP

Description: Failure to collect a monthly HRVOC sample from the cooling tower, EPN:
POLY-CT-9. (Category C3 violation)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.355(1)

30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.485(b)(1)
Special Condition #9(F) PERMIT
Special Terms and Condition #1A OP
Special Terms and Condition #7 OP

Description: Failure to conduct Method 21 monitoring to 261 components in HRVOC service
for the first quarter of 2008. (Category B1 violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition #9H PERMIT
 Special Terms and Condition #1A OP
 Special Terms and Condition #7 OP
 Description: Failure to repair sixteen (16) leaking components in VOC service, within 15 days.
 (Category B3 violation)

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition #3 PERMIT
 Special Terms and Condition #7 OP
 Description: The Flare, EPN: Poly-FL-1, pilot temperature data was not continuously recorded
 and the PI historian server was down on March 9, June 14, and December 23,
 2008. (Category C1 violation)

Date: 12/31/2009 (804930) CN600269617
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

Date: 01/31/2010 (804921) CN600269617
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

Date: 02/28/2010 (830980) CN600269617
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

Date: 05/19/2010 (794706) CN600269617
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382, SubChapter A 382.085(b)
 Description: Failed to amend the Title V Federal Operating Permit (FOP) O-01930 to include
 Emission Point Numbers covered by Air Permit No. 71546.

Date: 08/16/2010 (803085) CN600269617
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 1 PERMIT
 Special Term and Condition 5 OP
 Description: Failed to maintain the emission limit of 0.02 TPY of VOC and 0.68 TPY of CO on
 the incinerator (EPN: FI-07) for the years 2008 and 2009. (Category B14
 Violation)

Date: 08/26/2010 (803155) CN600269617
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 7 PERMIT
 Special Term and Condition 8 OP
 Description: Failure to repair valve leaks within the required time frame. (Category B18

Violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.483-2(a)(2)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.487(d)
5C THSC Chapter 382 382.085(b)
Special Term and Condition 1A OP

Description: Failure to submit notification of adopting an alternative standard for 40 CFR 60 subpart VV valves. (Category C3 Violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2480(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1025(d)(2)
5C THSC Chapter 382 382.085(b)
Special Condition 6 PERMIT
Special Term and Condition 1A OP
Special Term and Condition 8 OP

Description: Failure to monitor 40 CFR 63 subpart UU valves within three months after repairs. (Category C1 Violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP

Description: Failure to report all instances of deviation. (Category B3 Violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.164(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term and Condition 1A OP

Description: Failure to conduct calculations to evaluate whether 90% control requirements are applicable to the batch process streams. (Category B1 Violation)

Date: 08/31/2010 (873932) CN600269617

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 09/30/2010 (881533) CN600269617

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 11/30/2010 (896278) CN600269617

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 02/21/2011 (877804) CN600269617

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.722(d)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
5C THSC Chapter 382 382.085(b)
Special Condition 3 PERMIT
Special Condition 4 PERMIT
Special Condition 4A PERMIT
Special Term and Condition 1A OP
Special Term and Condition 7 OP

Description: Failure to maintain the flare net heating value above 300 BTU/scf. (Category B18

Violation)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.764(b)(5)
5C THSC Chapter 382 382.085(b)
Special Term and Condition 1A OP
Description: Failure to sample cooling tower water daily. (Category C4 Violation)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP

Description: Failure to report all instances of deviation. (Category B18 Violation)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1)
5C THSC Chapter 382 382.085(b)
Special Condition 3 PERMIT
Special Condition 4A PERMIT
Special Term and Condition 1A OP
Special Term and Condition 7 OP

Description: Failure to prevent opacity from the flare for less than five minutes per two hour period. (Category C4 Violation)

Date: 04/15/2011 (899792) CN600269617

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
General Terms & Conditions OP

Description: Failed to report all instances of deviations, in the deviation report dated 11/30/2010 and 5/27/2010. (Category C7 Violation)

Self Report? NO Classification: Minor
Citation: 5C THSC Chapter 382 382.085(b)
Special Condition 4A PERMIT
Special Conditions 3 & 4 PERMIT
Special Term & Condition 8 OP

Description: Failed to maintain the 300 BTU/scf net heating value on the flare (POLY-FL-1) during the time periods 9/1/2009 through 2/28/2010 and 3/31/2010 through 10/21/2010. (Category C7 Violation)

Date: 06/30/2011 (952655) CN600269617

Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 07/31/2011 (959338) CN600269617

Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 08/31/2011 (922552) CN600269617

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 3 PERMIT
Special Condition 9 PERMIT
Special Term and Condition 7 OP

Description: Failure to analyze and/or change the scrubbing solution in scrubbers S-17, S-19, S-25A, and/or S-25B. [Category C1]

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 5(A) PERMIT
Special Term and Condition 7 OP

Description: Failure to maintain a firebox exit temperature of at least 1,400 degrees Fahrenheit for the thermal oxidizer FI-06.
[Category B(19)(g)(1)].

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP

Description: Failure to report all instances of deviations for the reporting periods of July 27, 2009 through January 26, 2010, and January 27, 2010 through July 26, 2010.
[Category C3]

Date: 10/31/2011 (977568) CN600269617

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 11/08/2011 (958467) CN600269617

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 1 PERMIT
ST&C 7 OP

Description: Failure to prevent unauthorized emissions due to failure to prevent the rupture of the secondary external valve and the internal valve on the tank truck.

Date: 02/21/2012 (981579) CN600269617

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
5C THSC Chapter 382 382.085(b)
Special Condition 4A PERMIT
ST&C 1A OP
ST&C 8 OP

Description: Failure to maintain Btu value above required parameters on flares. (Category C4 Violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.767(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
ST&C 1A OP

Description: Failure to maintain required differential pressure across cooling tower to claim exemption. (Category C4 Violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
5C THSC Chapter 382 382.085(b)
Special Condition 12B PERMIT
Special Condition 4B PERMIT
ST&C 1A OP
ST&C 8 OP

Description: Failure to maintain pilot flame on flares FL-177 and POLY-FL-1. (Category C4 Violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 6E PERMIT
 ST&C 1A OP
 ST&C 8 OP

Description: Failure to prevent open ended lines in VOC service. (Category C10 Violation)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 1 PERMIT
 ST&C 1A OP
 ST&C 8 OP

Description: Failure to maintain annual VOC emissions below permitted limits. (Category B18 Violation)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter B 115.112(a)(1)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 ST&C 1A OP
 ST&C 4 OP

Description: Failure to control emissions from storage tank containing VOC. (Category B18 Violation)

Date: 04/09/2012 (970804) CN600269617
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter H 115.722(d)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
 5C THSC Chapter 382 382.085(b)
 FOP 1935 ST&C 7 OP
 FOP 1935 STC 1A OP
 FOP 1935 STC 1G (iii) OP
 NSR 22056 SC 3 PERMIT

Description: Failure to maintain the flare (POLY-FL-1) net heating value above the 300 British Thermal units per standard cubic foot (Btu/scf) requirement. (Category B19 (g) (1))
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 115, SubChapter H 115.783(5)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2)
 5C THSC Chapter 382 382.085(b)
 FOP 1935 ST&C 7 OP
 FOP 1935 STC 1A OP
 FOP 1935 STC 1G (iv) OP
 NSR 22056 SC9E PERMIT

Description: Failure to plug/cap open-ended lines containing VOCs in POLY-FUG area. (Category C10)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter H 115.722(d)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
 5C THSC Chapter 382 382.085(b)
 FOP 1935 ST&C 1A OP
 FOP 1935 ST&C 7 OP
 FOP 1935 STC 1G (iii) OP
 NSR 22056 SC3 PERMIT

Description: Failure to maintain the flare pilot/flare at all times. (Category B19 (g)(1))

Date: 04/20/2012 (995622) CN600269617
Self Report? NO Classification: Moderate
Citation: 5C THSC Chapter 382 382.085(b)
Special Condition 1 OP
Description: Lubrizol failed to limit emissions to the permitted amount on the MAERT.

Date: 05/23/2012 (970797) CN600269617
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 3A PERMIT
Special Term and Condition 7 OP
Description: Failure to maintain the minimum pH for the operation of the absorber (EPN: S-49)
(Category B19.g.1)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 10 PERMIT
Special Condition 3 PERMIT
Special Condition 9 PERMIT
Special Term and Condition 7 OP
Description: Failure to sample the caustic scrubbing solution of EPNs S-51, S-17, and S-25A/B
daily (Category B19.g.1)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 3 PERMIT
Special Condition 8 PERMIT
Special Condition 9 PERMIT
Special Term and Condition 7 OP
Description: Failure to change the scrubbing solution of Scrubbers S-25B, S-19, and S-3
(Category B19.g.1)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions PERMIT
Description: Failure to report two deviations during the required timeframe (Category C3)

F. Environmental audits.

Notice of Intent Date: 07/30/2009 (790720)
No DOV Associated

Notice of Intent Date: 02/04/2010 (826428)
No DOV Associated

G. Type of environmental management systems (EMSs).

11/30/2010 11/30/2013 ENVIRONMENTAL MANAGEMENT SYSTEM NON 30 TAC CH 90 CERTIFIED

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
THE LUBRIZOL CORPORATION
RN100221589**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2012-1110-AIR-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding The Lubrizol Corporation ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a chemical manufacturing plant located at 41 Tidal Road in Deer Park, Harris County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about May 28, 2012.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Fifteen Thousand Three Hundred Fifty Dollars (\$15,350) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Six Thousand One Hundred Forty Dollars (\$6,140) of the administrative penalty and Three Thousand Seventy Dollars

- (\$3,070) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Six Thousand One Hundred Forty Dollars (\$6,140) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
 8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
 9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
 - a. On February 15, 2012, brought the incinerator temperature indicator into the control room distributed control system ("DCS") and trained operators to monitor the incinerator temperature in the DCS; and
 - b. On June 26, 2012, installed a temperature alarm for the incinerator in the control room DCS.
 10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
 11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
 12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have failed to maintain the required minimum firebox exit temperature of 1,400 degrees Fahrenheit ("°F") for the incinerator, Emissions Point Number FI-06, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), Federal Operating Permit No. 01932, Special Terms and Conditions No. 7, Air Permit No. 3921, Special Conditions No. 5A, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on April 6, 2012. Specifically, the firebox exit temperature fell below 1,400°F on February 2, 2011 and July 16, 2011.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: The Lubrizol Corporation, Docket No. 2012-1110-AIR-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088
2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Six Thousand One Hundred Forty Dollars (\$6,140) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission


For the Executive Director

2/11/13

Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature

9/4/12

Date

ANTHONY SHICK

Name (Printed or typed)
Authorized Representative of
The Lubrizol Corporation

General Manager

Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

Attachment A
Docket Number: 2012-1110-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	The Lubrizol Corporation
Penalty Amount:	Twelve Thousand Two Hundred Eighty Dollars (\$12,280)
SEP Offset amount:	Six Thousand One Hundred Forty Dollars (\$6,140)
Type of SEP:	Pre-approved
Third-Party Recipient:	Harris County – <i>Ambient Air Pollutants Monitoring Study</i>
Location of SEP:	Harris County

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for Respondent to contribute to a Supplemental Environmental Project (“SEP”). The offset is equal to the SEP offset amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

a. Project

Respondent shall contribute the SEP offset amount to the Third-Party Recipient named above. The contribution will be used by Harris County for the *Ambient and Meteorological Air Monitoring Project* as set forth in an agreement between the Third-Party Recipient and the TCEQ. SEP funds will be used to install or retrofit, operate, maintain, and potentially expand air monitoring stations in Harris County to continuously monitor ambient air for total non-methane hydrocarbons and hazardous air pollutants (“HAPs”). Specifically, SEP funds will be used to purchase equipment (such as automated canister samplers), hardware, software, and licenses to enable the monitoring. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

Respondent certifies that it has no prior commitment to make this contribution and that it is being done solely in an effort to settle this enforcement action.

b. Environmental Benefit

The project will provide additional air monitoring data to identify any HAPs emissions in the targeted locations. The information may help local government better inform citizens about air toxins and enable regulators to better identify emission sources.

c. Minimum Expenditure

Respondent shall contribute at least the SEP offset amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, Respondent must contribute the SEP offset amount to the Third-Party Recipient. Respondent shall mail a copy of the Agreed Order with the contribution to:

Harris County
c/o Latrice Babin, Ph.D.
Environmental Toxins & Special Project Manager
101 South Richey, Suite H
Pasadena, Texas 77506

3. Records and Reporting

Concurrent with the payment of the SEP offset amount, Respondent shall provide the Enforcement Division SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP offset amount to the Third-Party Recipient. Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If Respondent does not perform its obligations under this SEP in any way, including full expenditure of the SEP offset amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP offset amount.

The Lubrizol Corporation
Agreed Order - Attachment A

In the event of incomplete performance, Respondent shall include on the check the docket number of this Agreed Order and a note that it is for reimbursement of a SEP. Respondent shall make the payment for the amount due to "Texas Commission on Environmental Quality" and mail it to:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP made by or on behalf of Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset amount identified in this Agreed Order has not been, and shall not be, included as a SEP for Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.